

Exhibit 1

Denver Probate Court City and County of Denver, State of Colorado 1437 Bannock Street, Room 230 Denver, CO 80202	EFILED Document CO Denver County Probate Court-2nd JD Filing DATE FILED: October 16, 2012 2:13 PM CASE NUMBER: 2012PR1772 Filing ID: 47073343 Review Clerk: Linda E Riggle
In the Interest of: JOANNE BLACK, Respondent	2012pr1772 ▲ COURT USE ONLY ▲
Attorneys for Bernard S. Black, Petitioner: M. Carl Glatstein Glatstein & O'Brien LLP 2696 S. Colorado Blvd., Suite 350 Denver, CO 80222 Tel.: 303-757-4342 E-mail: carl@denverprobatelaw.com Fax: 303-757-4570 Atty. Reg. #: 13738	Case Number:
PETITION FOR APPOINTMENT OF CONSERVATOR FOR ADULT	

1. The Petitioner is

- ☐ a person who would be adversely affected by lack of effective management of the Respondent's property and business.
☒ a person who is interested in the estate, financial affairs, or welfare of the Respondent.
☐ the Respondent.

This is a Petition for appointment of a:

- ☒ Permanent Conservator.
☐ Special Conservator. While a petition to establish a conservatorship is pending, there is a need to preserve and apply the property of the Respondent as may be required for the support of the Respondent or individuals who are in fact dependent upon the Respondent. (§15-14-406(7), C.R.S.)
☐ Special Conservator. There is a need for a protective arrangement or other single transaction. A permanent conservatorship is not requested. (§15-14-412(3), C.R.S.)

2. Information about the Petitioner:

Bernard S. Black
2829 Sheridan Place
Evanston, IL 60201-1725
Home: 847-869-6735
Cell: 650-773-0955
Email: bblack@northwestern.edu

3. Information about the Respondent:

Joanne Black Age: **55** Date of Birth: **November 14, 1956**
c/o Star Motel
3850 Peoria
Denver, CO 80239-3314 County: **Denver**
Cell: 914-274-0921

Mailing Address: **4860 Chambers Road**
Denver, CO 80239-5152

☐ If this appointment is made, the Respondent's dwelling will change to: **Not Applicable**

4. Information about the Respondent's spouse or adult who has resided with the Respondent for more than six months in the last year: **None**

5. Venue for this proceeding is proper in this county because the Respondent

☒ resides in this county.

☐ does not reside in this state, but has property in this county.

6. ☐ ~~A Power of Attorney exists for financial or medical matters. (Attach a copy to the Petition.) The agent's name and mailing address is:~~

7. ☐ ~~A valid designated beneficiary agreement exists. (Attach a copy of the agreement to the Petition.) The designated beneficiary's name and mailing address is:~~

8. ☒ A Conservator is required because the Respondent is unable to manage property and business affairs because he/she is unable to effectively receive and evaluate information or both or to make or communicate decisions, even with the use of appropriate and reasonably available technological assistance due to the following disabilities or impairments:

☒ Physician's letter attached. **See:**

Exhibit A - Aneil M. Shirke, M.D., Ph.D., evaluation dated 10/4/12

See also

Exhibit B - Cherie Wrigley, MA Special Education; Counseling Guidance, 10/3/12

Respondent has a longstanding diagnosis of chronic schizophrenia to the extent that she suffers from severe disorganization, formal thought disorder, paranoia and delusions even when taking medications. She has a long history of acute episodes and hospitalizations, with three hospitalizations in 2011 alone. Respondent's mental illness interferes with her ability to manage her assets and income.

In addition:

☒the Respondent has property which will be wasted or dissipated unless proper management is provided.

Respondent is entitled to approximately \$3 million in assets as a result of the death of her mother, Renata Black, who passed away 5/1/2012 (the "Decedent"). Under Article Fourth of the Last Will and Testament of Renata Black, dated 12/19/1997, 2/3 of the Decedent's residuary is directed to the *Supplemental Needs Trust for the Benefit of Joanne Black*, executed concurrently with the Will. Unfortunately, the Decedent had inadvertently added or changed beneficiary designations on certain assets resulting in the majority of her assets passing outright to the Respondent rather than into the Supplemental Needs Trust. Any such assets need to be secured at least until such time as the Court can determine the proper protections for the assets.

and/or

☐the Respondent, or persons entitled to the Respondent's support, require money for support, care, education, health, and welfare, and protection is necessary or desirable to obtain or provide money.

8. ☐A Conservator is required because the Respondent is missing, detained, or unable to return to the United States. The nature of the Respondent's disappearance or detention and any efforts to locate the Respondent are as follows:

9. The Petitioner requests the Conservator's powers and duties be ☒unlimited/unrestricted or ☐limited/with restrictions. The property to be placed under the Conservator's control and the requested limitations/restrictions on the Conservator's powers and duties, if any, are as follows:

10. ☒Petitioner is, 21 years of age or older, nominates himself/herself and requests to be appointed as Conservator or Special Conservator.
or
☐Petitioner nominates the following person, who is 21 years of age or older, to be appointed as Conservator or Special Conservator.

11. The nominated Conservator has priority for appointment because he/she is: (§15-14-413,C.R.S.)
☐a Conservator, Guardian or other fiduciary appointed or recognized by a court in another jurisdiction where the protected person resides.
☐nominated in writing by Respondent, including nomination in a durable power of attorney or designated beneficiary agreement.
☐an agent appointed by the Respondent to manage the Respondent's property under a durable power of attorney.

- ☐ the spouse of the Respondent.
- ☐ an adult child of the Respondent.
- ☐ a parent of the Respondent.
- ☐ an adult with whom Respondent has resided for more than six months immediately before the filing of this Petition.
- ☒ **Other: an adult sibling of the Respondent and Personal Representative of the Estate of their mother, Renata Black [DOD 5/1/2012]. Surrogate's Court, Westchester County, State of New York, File #2012-1209.**
See Exhibit C – Preliminary Letters Testamentary.

12. ☐ The Respondent nominated the following person as Conservator, but the Petitioner does not seek that person's appointment for the following reason:

13. The Conservator may receive compensation.

☐ The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this Petition. *

☒ The basis of compensation has not yet been determined.

14. The Conservator may compensate his, her, or its counsel.

☒ The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this Petition. *

Petitioner is represented by Glatstein & O'Brien which bills at the following rates:

Partner Carl Glatstein	\$300 / hr.
Associates	\$250 / hr.
Paralegals	\$150 / hr.
Legal Assistant	\$ 50 / hr.

☐ The basis of compensation has not yet been determined.

* There is a continuing obligation to disclose any material changes to the basis for charging fees. (§15-10-602 C.R.S.)

15. Sections **a and b** below identify assets and the source and amount of anticipated income or receipts (public benefits, income, real property, proceeds from insurance policy, proceeds from pension, etc.), together with an estimate of the value.

a. The Respondent's assets are:

Description of Assets (e.g. bank accounts, insurance, pensions, property)	<input type="checkbox"/> None	Estimated Value
Inheritance from the Estate of Renata Black (Respondent's mother)		\$3,000,000

b. The Respondent's income is:

Description of Income (e.g. social security, pension and insurance)	<input type="checkbox"/> None	Estimated Income
SSDI		\$ 1,100 mo.
Stipend \$280/week		1,200 mo.
Workers Compensation settlement due disabled dependent		TBD
Total		\$ 2,300 mo.

16. ☐The following person is currently acting as a ☐Guardian and/or ☐Conservator in Colorado or elsewhere: **None**

17. Information about adult children and parents, ☒None (If none, list an adult relative that can be found with reasonable efforts, such as a brother, sister, aunt, uncle, etc.):

Cherie Wrigley
1946 Roadrunner Avenue
Thousand Oaks, CO 91320
Tel.: 805-492-1502
Email: cheriwrigley@yahoo.com

Relationship: Cousin

Anthony Dain
13272 Capstone Drive
San Diego, CA 92130
Tel.: 858-792-9533
Email: dorothydain@yahoo.com

Relationship: Cousin / Trustee

18. ☐The following person had the primary care and custody of Respondent during the 60 days prior to the filing of this Petition: **None**

19. Information about each person currently responsible for the primary care and custody of the Respondent, including the Respondent's treating physician: ☐None

Name of Treating Physician:

Aneil M. Shirke, M.D., Ph.D.
26 W. Ninth Street, #8E
New York, NY 10011
Tel.: 212-505-5983
Fax: 212-929-7575
www.DrShirke.net

20. ☒ The following person is a Legal Representative for the Respondent not otherwise designated above. (Representative payee, trustee, custodian of a trust, etc. §15-14-102(6), C.R.S.)

Anthony Dain (see ¶17 above) is designated Trustee of the *Special Needs Trust for the Benefit of Joanne Black dated December 19, 1997.*

The Petitioner requests that appointment of a Conservator be made after notice and hearing.

☐ In addition, the Petitioner requests the following:

VERIFICATION AND ACKNOWLEDGMENT

I (Petitioner) verify that the facts set forth in this document are true as far as I know or am informed. I understand that penalties for perjury follow deliberate falsification of the facts stated herein. (§15-10-310, C.R.S.)

Date: October 15, 2012

/s/ Bernard S. Black
Duly signed original on file

Petitioner

The foregoing instrument was acknowledged before me in the County of Cook, State of Illinois, this 15th day of October, 2012, by the Petitioner.

My Commission Expires: 08/22/2012

/s/ Mary L. Lyons
Duly signed original on file

Notary Public

GLATSTEIN & O'BRIEN LLP

/s/ M. Carl Glatstein, #13738

Duly signed original on file 10/15/2012

Attorneys for Petitioner